

## SUBCHAPTER R—APPROVED FORMS, INTERSTATE COMMERCE ACT

### PART 356—PRESERVATION OF RECORDS

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AUTHORITY: Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); Interstate Commerce Act, 49 U.S.C. 1-27 (1976); E.O. 12009, 3 CFR 142 (1978).

SOURCE: Order 119, 46 FR 9044, Jan. 28, 1981, unless otherwise noted.

#### § 356.1 Applicability.

Before destroying any operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, reports, or documents the pipeline companies and persons subject to the provisions of the Interstate Commerce Act shall comply with the regulations in this part. This part applies to the preservation of accounts, records, and memoranda of traffic associations, demurrage and car service bureaus, weighing and inspection bureaus, and other joint activities maintained by or on behalf of companies listed in the above paragraph of this subpart.

#### § 356.2 Purpose.

The regulations in this part prescribe the minimum length of time records shall be preserved, after which they may be destroyed. Mention of a record imposes no requirement that such a record be maintained if the information recorded is not requested by provisions of the Interstate Commerce Act or this Commission, or if its purpose is otherwise being adequately served. The provisions of this part shall not be con-

strued as excusing compliance with the lawful requirements of any other governmental body, Federal or State, prescribing longer retention periods for any category of records.

#### § 356.3 Designation of supervisory official.

(a) Each company subject to the provision of this part shall appoint an officer or other responsible employee to supervise the preservation and authorized destruction of records. Such appointment shall be by formal corporate act of the Board of Directors or its executive committee or, if the company is not incorporated, by formal designation of the owners.

(1) Designation may be made by title only, rather than by name and title, and thus obviate the necessity for a new resolution or order each time a successor is appointed.

(2) [Reserved]

(b) If the property of the company is in the hands of a trustee, executor, administrator, or assignee, the officer or other responsible employee supervising the preservation and destruction of records shall be designated by such trustee, executor, administrator, or assignee.

(c) Authority to supervise the destruction of company records maintained by an association, joint bureau, etc. may be delegated to the manager or other chief officer.

(d) A company, at its option, may by a formal act of appointment delegate to a bank, trust company, or similar institution having custody of its records in the normal course of business, the authority to destroy such records upon compliance with the requirements of regulations in this part.

(e) Copies of the resolution or orders of appointment need not be filed with the Commission but shall be available for inspection by the Commission's duly authorized representatives.